## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

Mitchell Carter Rabil,		)
		)
	Plaintiff,	)
v.		JUDGMENT
Town of Smithfield,		) No. 5:11-CV-616-BR
	Defendant.	)

## **Decision by Court.**

This action came before Senior United States District Judge W. Earl Britt sua sponte.

**IT IS ORDERED, ADJUDGED AND DECREED** that plaintiff's claim under 42 U.S.C. § 1983 is DISMISSED. This case is REMANDED to the General Court of Justice, Superior Court Division, Johnston County, North Carolina. The Clerk is directed to send a copy of this order to the Clerk of that court.

## This judgment filed and entered on December 18, 2012, and served on:

James E. Hairston, Jr. (via CM/ECF Notice of Electronic Filing)
Jeremy Ryan Leonard (via CM/ECF Notice of Electronic Filing)
Frank Marshall Wall (via CM/ECF Notice of Electronic Filing)
Kari R. Johnson (via CM/ECF Notice of Electronic Filing)

December 18, 2012 /s/ Julie A. Richards,
Clerk of Court